

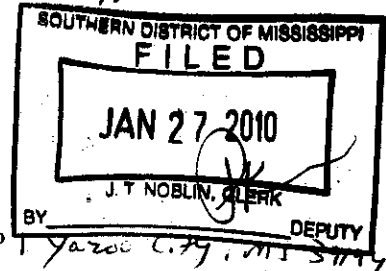
FORM TO BE USED BY FEDERAL PRISONER IN FILING A PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

IN THE UNITED STATES DISTRICT COURT

FOR THE Southern DISTRICT OF Mississippi

Fredrick Banks
Petitioner



Fredrick Banks, #05711-068, 1A2, P.O. Box 5000, Yazoo City, MS 39194
(Full name under which you were convicted; prison number; and full mailing address.)

Vs.

CIVIL ACTION NO 5:10-cv-8-DCB-MTP

Chaplain David Holsten, Chaplain Toffelmire, Chaplain Tynes, Bruce Pearson, Eric Holder, Barack Obama, Hurley Lippin, FCC Yazoo City (low) Religious Services Department, Federal Bureau of Prisons.
Respondents

Eric Holder, Bruce Pearson, Barack Obama, Hurley Lippin
(Name of Warden or other authorized person having custody of petitioner.)

PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.

1. This petition concerns: (Check appropriate blank.)

☐

a conviction

☐

a sentence (CAUTION:

If you are attacking a sentence imposed under a federal judgment, you must first file a direct motion under 28 U.S.C. § 2255 in the federal court which entered the judgment.)

☐

jail or prison conditions

☐

prison discipline

☐

a parole problem

☒

other.

State briefly:

RBC placement under 18 USC § 3602

2. Place of detention: FCC yard, C.M.

3. Have you filed previous petitions for habeas corpus, motions under 28:2255, or any other applications, petitions or motions with respect to this conviction?

☒ Yes

☒ No

If your answer above is "Yes," give the following information:

a. Name of Court: US DC WD GA

b. Nature of Proceeding: 2255

c. Grounds raised: Ineffective assistance

d. Result: denied

e. Date of Result: unknown

f. Citation or number of any written opinion or order entered pursuant to each such disposition:

none

4. If you did not file a motion under Section 2255 of Title 28, U.S.C., or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

2241 not 2255 is the proper Proceeding to challenge the execution of the sentence

5. Are you presently represented by counsel? ☐ Yes ☒ No

If so, name, address and phone number of counsel:

6. Name and location of court which imposed sentence:

US DIST CT WDBA

7. Indictment or case number, if known: 03-245, 04-176

8. Offense or offenses for which sentence was imposed:

18 USC & 1341 etc.

9. Date upon which sentence was imposed and the terms of the sentence:

2/25/05 and 3/10/06

10. When was a finding of guilty made? (Check one.)

☐ After a plea of guilty

☒ After a plea of not guilty

☐ After a plea of nolo contendere

11. If you were found guilty after a plea of not guilty, was that finding made by:

☒ A jury

☐ A judge without a jury

12. Did you appeal from the judgment of conviction or the imposition of sentence?

☒ Yes

☐ No

13. If you did appeal, give the following information for each appeal:

a. Name of Court: US ~~DIST~~ CT of Appeals SAN CA

b. Result: Affirmed / manifestly reversed

c. Date of Result: 6/30/06

d. Citation or number of opinion: 451 F.3d 186

e. Grounds raised: (List each one.)

32(h) Post Booker

Note: If you appealed more than once, attach an additional sheet of the same size and give all the information requested above in question No. 13, a through e. Do not write on the reverse of pages.

14. State CONCISELY every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a single page behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

- a. Ground one: _____

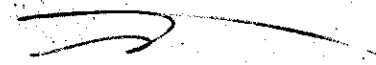
Supporting FACTS: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts, not conclusions, in support of your grounds. A rule of thumb to follow is — who did exactly what to violate your rights at what time or place.)

- b. ^{One} Ground two: Respondent violated the Establishment Clause in conspiring to prevent petitioner from being considered for halfway house placement
 Supporting FACTS: Chaplain David Holsten; Chaplain Tigrer and Chaplain Toffel more excessively entangled the federal government in affairs of religion and conducted government surveillance of religious activities in violation of the Establishment Clause when they confiscated 70 wiccan CDs that were donated out of the wicca locker and employed an inmate police force at the chapel to conduct spying and intelligence on pagan/wicca activities while v. Tex Com of New York, 397 US 664 (1970) and told Petitioner's Unit Team to deny consideration for transfer to a halfway house immediately under 18 USC + 3621.
- c. Ground three: _____

Supporting FACTS:

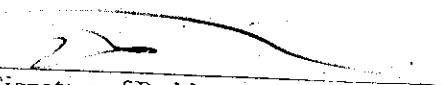
15. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. *all appropriate relief, order respondent to consider Petitioner for immediate halfway house placement and to transfer Petitioner to a halfway house immediately and return the confiscated religious materials*

Signed this 25th day of January, 2010
Day Month Year

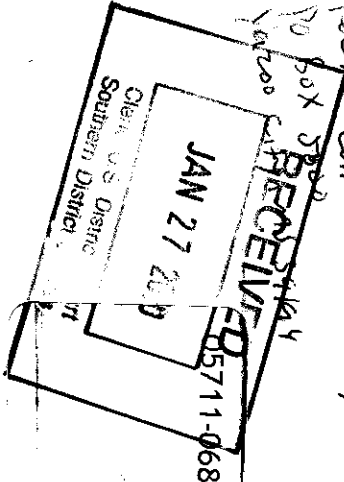

Signature of Petitioner

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on 1/25/10
(Date)

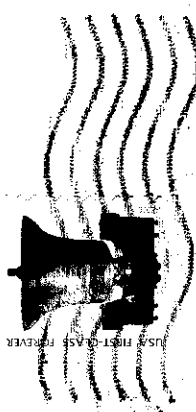
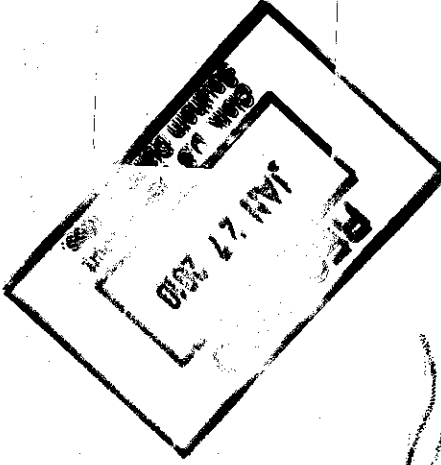

Signature of Petitioner

Federate Bank
#05711-068, 192
Federal Correctional Complex



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United States

JACKSON MS 392
28 JAN 2010 PM 3:17



Special Mail

Jan 31/25/10

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